

Applicati n No.: 09/650,299

Docket No.: HO-P02014USO

REMARKS

Claims 1-16 are pending, and Claims 1-16 have been rejected under 35 U.S.C. § 103(a) based on Miller (U.S. Patent No. 6,388,043) in view of BuyMedia.com ("BuyMedia"). The Applicant respectfully traverses that rejection.

In the Applicant's system – and as recited in each of the pending claims – the system selects a media outlet in the Applicant's system. This "system selection" feature is not disclosed in any of the cited art. Instead, in Miller and Buymedia, it is the buyer rather than the system that selects the media outlet. Specifically, with Miller, the set of media suppliers is an input to the system (*i.e.*, a guideline variable) and the selection process is left to the buyer. (Miller, Col. 10, Ln. 32-34; Col. 13, Ln. 5-7; Col. 13, Ln. 17-18; Fig. 4). Similarly, with the BuyMedia system, it is the buyer who "identifies which stations or systems to contact." (BuyMedia.com Web Page, Page 2 of 4, submitted with 12-8-00 IDS). Neither Miller nor BuyMedia describes a system capable itself of selecting a subset of media outlets from user supplied information.

An inherent benefit of the recited "system selection" feature is a reduction in the time required for the media buying process. In the most recent office action, the Examiner rejected the Applicant's arguments regarding the "system selection" feature as "moot" because this inherent benefit of the "system selection" feature was not explicitly recited in the claims. The Applicant respectfully suggests that such a rejection is improper. See *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1575, 1 U.S.P.Q.2d (BNA) 1081, 1087 (Fed. Cir. 1986) ("claims need not recite inherent advantages relied on for patentability" (citing *In re Antonie*, 559 F.2d 618, 619, 195 U.S.P.Q. (BNA) 6, 8 (CCPA 1977))). However, to expedite the handling of this case, the Applicant has amended each of the pending independent claims to include this inherent benefit of the claimed "system selection" feature.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2375, under Order No. HO-P02014US0/10207860 from which the undersigned is authorized to draw.

Dated: August 14, 2003

Respectfully submitted,

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